

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ANNE BRUMBAUGH, GARY L.)	
HARMON AND RANDY K. GRIFFIN, on)	
behalf of themselves and all others)	
similarly situated,)	
)	
Plaintiffs,)	Civil Action No. 3:04-CV-30022 (MAP)
)	
v.)	
)	
WAVE SYSTEMS CORPORATION,)	
JOHN E. BAGALAY, JR., STEVEN K.)	
SPRAGUE, and GERARD T. FEENEY,)	
)	
Defendants.)	

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION TO
MOTION TO DISMISS AND FOR MODIFICATION OF SCHEDULE**

Plaintiffs, by and through their undersigned counsel of record, respectfully move this Court for an extension of time THROUGH AND INCLUDING March 4, 2005 in which to file their opposition to Defendants' motion to dismiss Plaintiffs' consolidated amended class action complaint and for a corresponding extension of the other dates in the September 3, 2004 scheduling order (the "Order"), as subsequently amended.

In support of this Motion, the Plaintiffs would respectfully show the following:

1. The Order, as subsequently amended, provides that the plaintiffs file their opposition to defendants' motion to dismiss on or before February 18, 2005, and it also set dates for the filing by the Defendants of a reply in support of the motion to dismiss; and a hearing on the motion to dismiss.

2. Plaintiffs' counsel are requesting this extension of time for the following reasons:

a) a serious illness in the immediate family of the attorney primarily responsible for preparing the opposition to the motion to dismiss; b) extensive conflicting commitments involving the attorney primarily responsible for the opposition papers. The cumulative effect of these factors requires the two week extension sought by this Motion.

3. Plaintiffs have previously requested two extensions in this matter, and Plaintiffs submit that good cause exists for the granting of the requested extension.

4. Because the other dates and deadlines set forth in the Order are based on the February 18, 2005 filing of an opposition to the motion to dismiss, this Motion also requests that these other dates be extended by the same time period, in order to preserve the same time intervals. Therefore, the modified schedule requested by this Motion would be as follows:

- a) Opposition to motion to dismiss due – March 4, 2005
- b) Any reply in support of the motion to dismiss due – March 22, 2005
- c) Hearing on the motion to dismiss – March 30, 2005 at 2:00 p.m.

WHEREFORE, the Plaintiffs respectfully request that they be granted an extension to file their opposition to the motion to dismiss until March 4, 2005 and that the modified schedule proposed herein be adopted by the Court.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Undersigned counsel certifies that they have conferred with counsel for Defendants in a good faith effort to resolve or narrow the issues raised by this Motion and that Defendants'

counsel indicated that they have no opposition to this Motion.

Respectfully submitted,

/s/ David Pastor

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